

### **REMARKS**

The Office Action mailed on March 9, 2009, has been received and its contents carefully considered. Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Upon entry of the present Reply, Claims 20-47, 68, 69, 71 and 73-77 are pending in the present application. Claims 20-47 have been withdrawn. Claims 68-73 stand rejected. Claims 70 and 72 have been cancelled without prejudice or disclaimer. Claims 74-77 have been newly added. Claims 68, 69, 71 and 73 have been amended by way of the present response. Applicant submits that upon entry of the present Reply, Claims 68, 69, 71 and 73-77 are in condition for allowance. Moreover, Applicant submits that no new matter has been introduced by the foregoing amendments.

### **Rejections under 35 U.S.C. §101**

In the Examiner's Answer to the Appeal Brief the Examiner rejected Claims 68-73 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicant notes that the Decision of the Board of Patent Appeal and Interferences, which was mailed on March 9, 2009, reversed the Examiner's decision to reject Claim 68-73 under 35 U.S.C. §101.

### **Rejections under 35 U.S.C. §102**

Claims 68-73 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U. S. Patent No. 4,642,775 to Cline (hereinafter referred to as "Cline"). Claims 70 and 72 have been cancelled without prejudice or disclaimer. Applicant respectfully traverses these rejections for at least the following reasons.

Independent Claim 68 is the sole independent claim presently under consideration. Cline does not teach or suggest every element recited in independent Claim 68, as amended.

The rejection of Claims 68-73 under 35 U.S.C. § 102(b) as allegedly being anticipated by Cline is respectfully traversed.

Claim 1 recites:

(c) receiving information for a first flight plan from a flight operations, wherein the information for the first flight plan includes a departure runway information, destination information, alternate airports information, and fuel time information; (d) inputting aircraft and flight related data into the transportable laptop computer using an input device, wherein the aircraft and flight related data includes weather information for the first flight plan, aircraft crew scheduling information, aircraft maintenance information, aircraft load weight and balance information, and aircraft manifest information; (e) updating information that includes the weather information, the aircraft crew scheduling information, the aircraft maintenance information, the aircraft load weight and balance information and the aircraft manifest information on a continuous basis using the transportable laptop computer; (f) calculating using the transportable laptop computer while en route an adjusted second flight plan based on the continuously updated information, wherein the adjusted second flight plan is substantially different than the first flight plan; and (g) outputting the adjusted second flight plan while en route to the aviation professional using at least one of an interactive headgear worn by the aviation professional, a translucent display coupled to the transportable laptop computer and an aircraft control system.

Cline does not describe or suggest every element recited in Claim 68. Rather, in contrast to the present invention, Cline describes a flight planning system that utilizes a portable computer (40) that includes a modem (51) that may be connected in communication to **a ground-based flight data center (30)**. The computer (40) also include input devices, such as a keyboard (44), and output devices such as an LCD (42) and a disk drive (52). The ground-based data center (30) generates a flight plan, which is transmitted over a telephone line (48) to the

computer (40) and loaded onto a disk (54) by a pilot of an aircraft (10). **The disk (54) may then be physically carried by the pilot** to the aircraft (10) and inserted into the on-board data management unit (20), which then makes the flight plan available to a flight management computer (14). As a result, the flight plan does not need to be manually entered into an onboard navigation system.

The pilot may enter, or input, information related to a flight plan into the computer (40).

As stated in Col. 6, lines 59-68 and Col. 7, lines 1-10, such information includes:

(1) aircraft registration number; (2) type of aircraft; (3) basic operating weight; (4) taxi fuel weight; (5) reserve fuel weight; (6) preferred mach/TAS; (7) direct operating cost; (8) fuel price per gallon; (9) maximum allowable fuel; (10) departure airport; (11) departure time; (12) destination airport; (13) route preference; (14) payload weight; (15) fuel on board; (16) performance bias; (17) weather requests; and (18) message entry.

Next, the pilot connects the computer (40) to the ground-based data center (30) using the telephone lines (48) and the modem (51). Notably, the flight plan described in Cline **is computed at the ground-based data center (30)**. Most notably, once the pilot receives, reviews and selects one of the flight plans computed by the ground-based data center (30), the flight plan is transferred onto the disk (54), the computer (40) is shutdown by the pilot and packed away, and then the pilot boards the aircraft (10). Once on board the aircraft (10), the pilot uploads the flight plan from the disk (54) to the on-board data management unit (20) using an on board data transfer unit (18). **As a result, the computer (40) is not used on the aircraft (10) en route.** As stated in Col. 8, lines 14 – 20:

Once the pilot has finished reviewing the flight plan data and weather that is displayed on the display unit (42), the disk (54) is ejected from the disk drive (52) and transferred to the data transfer unit (18) in the cockpit by the pilot. **The portable computer (40)**

**can then be stored in any convenient location such as the aircraft baggage compartment.**

Notably, Cline is silent regarding “updating information that includes the weather information, the aircraft crew scheduling information, the aircraft maintenance information, the aircraft load weight and balance information and the aircraft manifest information on a continuous basis using the transportable laptop computer,” as recited in Claim 68. Moreover, Cline is silent regarding “calculating using the transportable laptop computer while en route an adjusted second flight plan based on the continuously updated information, wherein the adjusted second flight plan is substantially different than the first flight plan,” as recited in Claim 68. Further, Cline is silent regarding “outputting the adjusted second flight plan while en route to the aviation professional using at least one of an interactive headgear worn by the aviation professional, a translucent display coupled to the transportable laptop computer and an aircraft control system,” as recited in Claim 68. As a result, Cline does not describe or suggest every element recited in Claim 68.

For at least the reasons set forth above, Applicant respectfully submits that independent Claim 68 is patentable over Cline. Since dependent Claims 69, 71 and 73 depend directly from independent Claim 68, Applicant respectfully submits that Claims 69, 71 and 73 likewise are patentable over Cline.

Accordingly, Applicant respectfully requests that the 102 rejection of Claims 68-73 be withdrawn.

**Newly Added Claims**

Claims 74-77 have been newly added. Applicant submits that no new matter has been added. Support for Claims 74-77 can be found generally in the specification and specifically in paragraphs [0029], [0033], [0035] and [0037]-[0044] of the specification.

Claims 74-77 depend directly from independent Claim 68. As discussed above, Applicant submits that Claim 68 is patentable over Cline and is therefore in condition for allowance. As such, Applicant submits that Claims 74-77 likewise are patentable over Cline and therefore in condition for allowance.

**CONCLUSION**

Applicants have made a diligent effort to place the application in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Timothy J. Maier, Applicants' attorney at 1.703.740.8322 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,  
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